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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.1029 OF 2004

Ramchandra Ranu Waghmode since deceased through LRs. Appellant

versus

Smt.Sonabai Nivrutti Khatal Respondent

Mr.M.A.Patil for appellant.
Mr.G.S.Godbole for respondent.

CORAM : DR.D.Y.CHANDRACHUD, J.

DATE : 09TH JULY 2007

PC :

1. The father of the respondent-original plaintiff and the original defendant expired on 14th May 1961 leaving behind him the plaintiff and the defendants as his only heirs. The contention of the appellant was that there was an oral surrender of the rights of the respondent which has been disbelieved by both the Courts below. The decree of partition cannot be faulted. There is no merit in the Second Appeal which in any event does not raise any substantial question of law. It is accordingly dismissed.

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2. In view of dismissal of Second Appeal, Civil Application (Stamp) No.1262 of 2004 does not survive and accordingly dismissed.

(DR.D.Y.CHANDRACHUD, J.)